

REMARKS

Claims 1-44 are pending and stand rejected. The applicant has amended claims 1, 4, 5, 11-21, 24, 25, 32, 34, 37, 39 and 40. Reconsideration and allowance of the pending claims are earnestly solicited.

I. Claim Rejections Under 35 U.S.C. § 101

The Office Action rejected claims 11-20 under 35 U.S.C. § 101 for purportedly being directed to non-statutory subject matter. The applicant disagrees with such assessment, but in the interest of expediting prosecution has amended claims 11-20 to clarify that the machine readable medium is non-transitory. Withdrawal of the present rejection of claims 11-20 is earnestly solicited.

II. Claim Rejections Under 35 U.S.C. § 102 (Ellis)

The Office Action rejected claims 1-3, 9-13, 19-23, 29-33 and 37-40 under 35 U.S.C. § 102(e) as being anticipated by U.S. 6,774,926 to Ellis et al., hereinafter "Ellis." The applicant has amended claims 1, 11-13, 19-21, 32, 37, 39 and 40. The applicant respectfully requests reconsideration and withdrawal of the present rejection of claims 1-3, 9-13, 19-23, 29-33 and 37-40.

A. Claims 1-3, 9 and 10

Each of claims 1-3, 9 and 10 is directed to a method that comprises, among other things, "said establishing said private television channel comprises receiving via a user interface at said first home a selection of one or more devices that are permitted to receive personal media via the private television channel." The applicant respectfully submits that Ellis does not expressly and/or inherently teach such aspects of claims 1-3, 9 and 10.

As noted on page 10 of the Office Action, Ellis teaches distributing a channel to selected users by way of password protection. The applicant respectfully points out that the Ellis password does not identify selected devices, but merely restricts viewing to users in possession of the password. Such users may view such content using any device, not just those devices selected via a user interface. As such, Ellis does not anticipate claims 1-3, 9 and 10.

Withdrawal of the present rejection of claims 1-3, 9 and 10 is respectfully requested.

B. Claims 11-13, 19-23, 29-33 and 37-40

The applicant respectfully submits that the reasons in support of patentability presented above in regard to claims 1-3, 9 and 10 are generally applicable to claims 11-13, 19-23, 29-33 and 37-40. Accordingly, the applicant respectfully submits that

claims 11-13, 19-23, 29-33 and 37-40 are allowable for at least reasons similar to those presented above in regard to claims 1-3, 9 and 10. Withdrawal of the present rejection of claims 11-13, 19-23, 29-33 and 37-40 is respectfully solicited.

III. Claim Rejections Under 35 U.S.C. § 103 (Ellis and Moynihan)

The Office Action rejected claims 4, 5, 14, 15, 24 and 25 under 35 U.S.C. § 103(a) for purportedly being unpatentable over Ellis in view of U.S. Pub. 2002/0056119 to Moynihan, hereinafter “Moynihan.” Each of claims 4, 5, 14, 15, 24 and 25 includes one of claims 1, 11 and 21 as a base claim and is allowable for at least reasons similar to those present above in regard to its respective base claim.

Moreover, claim 4 further includes “selecting said device associated with one or both said second home and/or said second television from a user interface of said first television.” Each of claims 14 and 24 include aspects similar to claim 4. The Office Action acknowledges that Ellis does not teach such aspects of claims 4, 14 and 24, and instead relies upon Moynihan for such a teaching. See, Office Action pages 22 and 23. In particular, the Office Action contends Moynihan discloses selecting viewers for receipt of personal media created by a channel owner from a user interface and cites Moynihan Fig. 15 and paragraphs [0056], [0088] and [0089] for support.

The applicant respectfully points out that such portions of Moynihan merely teach sending video mail to contacts of a contact list. This is merely emailing contacts

and as such, presumably, the contact lists are lists of email addresses. The applicant respectfully submits that selecting email addresses is not equivalent to selecting a device. As is well appreciated, a user may receive and view email from many different devices and there is no relationship between an email address and a respective end user device. Accordingly, neither Ellis nor Moynihan, alone or in combination teach the above aspects of claims 4, 14, and 23.

In regard to claims 5, 15, and 25, claim 5 recites "selecting said device associated with said one or both of said second home and/or said second television from one or both of a list and/or a profile displayed on said first television." Each of claims 15 and 25 include aspects similar to claim 5. The applicant respectfully submits that the reasons submitted above in regard to claims 4, 14, and 24 are generally applicable to claims 5, 15 and 25. For reasons similar to those mentioned above in regard to claims 4, 14 and 24, neither Ellis nor Moynihan, alone or in combination teach the above aspects of claims 5, 15 and 25.

Withdrawal of the present rejection of claims 4, 5, 14, 15, 24 and 25 is earnestly solicited.

IV. Claim Rejections Under 35 U.S.C. § 103 (Ellis and Zustak)

The Office Action rejected claims 6-8, 16-18, 26-28, 34-36 and 41-44 under 35 U.S.C. § 103(a) for purportedly being unpatentable over Ellis in view of U.S. Pub.

2002/0104098 to Zustak et al., hereinafter "Zustak." Each of claims 6-8, 16-18, 26-28, 34-36 and 41-44 includes one of claims 1, 11, 21 and 32 as a base claim and is allowable for at least reasons similar to those present above in regard to its respective base claim. Withdrawal of the present rejection of claims 6-8, 16-18, 26-28, 34-36 and 41-44 is respectfully solicited.

V. Final Matters

As a final matter, the Office Action makes a number of statements regarding the pending claims; the Ellis, Moynihan, and Zustak references; 35 U.S.C. § 101, 35 U.S.C. § 102, 35 U.S.C. §103; the state of the art and one of skill in the art that are moot in light of the previous amendments and/or remarks. Thus, the applicant has not addressed all of such statements at this time. The applicant neither agrees nor disagrees with such statements and explicitly reserves the right to challenge such statements in the future should the need arise.

SUMMARY

In summary, the applicant believes that the pending claims are in condition for allowance and courteously solicits a Notice of Allowability with respect to all pending claims. If the examiner disagrees or has questions regarding this submission, the applicant requests an Examiner Interview, in particular prior to the issuance of any Final Action. The examiner may contact the undersigned at 312-238-8600.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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